



CITY COUNCIL

Meeting Agenda

REGULAR MEETING
COUNCIL CHAMBERS

MON, MARCH 9, 2009
7:00P.M.

OPENING MATTERS

CALL TO ORDER

INVOCATION: Rev. Gustavo Romero, Hope of the Nations Christian Center

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Mayoral Proclamation

- Recognizing the 15th Anniversary of the Center for Community Leadership, accepted by John Kramer

Council Commendation

- To Brianna Savini for her work combating bullying in schools

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

APPROVAL OF AGENDA

AGENDA: Council Meeting of March 9, 2009

MINUTES: Council Meeting of February 23, 2009

Consent Agenda Legislation

Resolution - That the Mayor of the City of Reading is authorized to file an application for "RACP" funds in the amount of \$ 6.0 million dollars (\$6,000,000.00) for the Reading Parking Authority and the 776 car structured parking garage for the Double Tree Hotel Project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania **(Law)**

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS, AUTHORITIES, AND COMMISSIONS

ORDINANCES FOR FINAL PASSAGE

Ordinance – increasing the salary of the Human Resources Director to \$80,800, a 1% increase, retroactive to November 13, 2008 **(Man Dir) Introduced at the February 23 regular meeting**

Pending

Advertisement and Public Hearing Required by MPC Notice of Pending Ordinance Doctrine

Ordinance - amending the City of Reading Code of Ordinances Chapter 27 Zoning by creating a new section in Part 11 Additional Requirements for Specific Uses of Zoning Districts by placing requirements for the rental of single family homes in areas zoned R-1, R-1a and R-2 and amending the definitions section **(Council Staff)**

Introduced January 2009, Public Hearing scheduled for March 18th at 5 p.m. in Council Chambers

Ordinance - amending the FY 2006-2012 Capital Improvement Plan for the City of Reading (Man Dir) ***Introduced at the February 23 regular meeting; scheduled for reviewed at the March 16 Public Works Committee Meeting***

Pending

Resolution - Authorizing the submission of the attached PaDEP Grantee Agreement for Bushong Mill Dam, across the Tulpehocken Creek, upstream from the confluence with the Schuylkill River (Public Works) ***Tabled at the February 23 regular meeting of Council; Pending further discussion at the 3-16 Work Session***

INTRODUCTION OF NEW ORDINANCES

Ordinance - an ordinance amending the City of Reading Code of Ordinances Chapter 6, Part 7, School Time Curfew, to add a new section pertaining to prohibited conduct of juveniles on school days and adding this new section to the enforcement procedure; changing the end times for prohibited conduct and defining grade school, as attached in exhibit A (Law)

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Ordinance - The Mayor is authorized to execute a deed, and any other required documents, to convey the premises situate at 1019 Penn Street, 1021 Penn Street, 1016 Court Street, 1022 Court Street and 1028 Court Street, Reading, Berks County, Pennsylvania, from the City of Reading to the Reading Redevelopment Authority (Law)

Ordinance – amending the City of Reading Codified Ordinances Section 10-1212.03.2 adding necessary language to establish a non-refundable application fee for all businesses that sell food in the City of Reading (Law)

Ordinance - amending Bill No 39-2008 creating the Reading Local Redevelopment Authority by redefining the composition and establishing term expirations (Council Staff & Law)

Ordinance - amending Chapter 11 Housing of the City of Reading Codified Ordinances (Law)

RESOLUTIONS

Resolution – appointing Steven McCracken to the Reading Regional Airport Authority (**Admin Oversight**)

PUBLIC COMMENT – GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, March 9

Meeting with the Mayor – Mayor’s Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Tuesday, March 10

Orange and Cherry play lot public meeting– St. James Church – 6 pm

Monday, March 16

Meeting with the Mayor – Mayor’s Office – 4 pm

Public Works Committee – Council Office – 5 pm

Administrative Oversight Committee – Council Office – 5 pm

Work Session – Penn Room – 7 pm

Wednesday, March 18

Public Hearing – Council Chambers – 5 pm

- Zoning Amendment restricting rental use in low density residential zones in R-1, R-1A, R-2
- Conditional Use – 1259 N 10th – for a 10 unit rental property

Public Meeting Cotton St RAWA Project – 16th & Haak Elementary School – 6:30 pm

Monday, March 23

Meeting with the Mayor – Mayor’s Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, March 9

Fire Civil Service Board – Penn Room – 5 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, March 10

Airport Authority – Airport Authority Office – 9:15 am

Water Authority Workshop – Penn Room – 5 pm

15-1 – 928 Pearl St – 6:30 pm

Bethany Area Neighborhood Organization – Bethany Baptist Church – 7 pm

District 11 Crime Watch (Orthodox Presbyterian Church) 7 pm

Planning Commission – Penn Room – 8 pm

Wednesday, March 11

Center City Community Organization – Holy Cross Church – 6 pm

Zoning Hearing Board – Penn Room – 6:30 pm

Greenwich Seed – Hope Lutheran Church – 6:30 pm

Thursday, March 12

Police Pension Board – Penn Room – 11 am

Southeast Community Council – Amanda Stoudt Elementary School – 7 pm

Legislative Aide Committee – Penn Room – 7:30 pm

Monday, March 16

Library Board – 113 S 4th St – 5 pm

Tuesday, March 17

Park and Recreation Advisory Committee – Pendora Fieldhouse – 5:30 pm

Blighted Property Review Committee – Council Office – 6 pm

HARB – Planning Conference Room – 7 pm

Charter Board – Penn Room – 7 pm

Council of Neighborhoods – Goggleworks – 8:30 pm

Wednesday, March 18

Officers and Employees Pension Board – Penn Room – 2:30 pm

Fire Diversity Board – Penn Room – 4:30 pm

Redevelopment Authority – Redevelopment Authority Office – 5 pm

Community Hope of the 6th Ward – Lauer's Park Elementary – 6:30 pm

UNO – Mennonite Church – 7 pm

Centre Park Historic District – Member's Home – 7:30 pm

Thursday, March 19

Dare 2 Care – Bethel AME Church – 5:30 pm

Southeast People's Voice – St. John's UCC – 6 pm

Mulberry & Green Citizens Committee – St. Luke’s Lutheran Church – 6:30 pm

Friday, March 20

Fire Pension Board – Penn Room – 11 am

Monday, March 23

DID Authority – Reading Eagle 3rd Floor Conference Room – 1 pm

BARTA – BARTA Office – 4 pm

Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm

City of Reading City Council

Regular Meeting Monday, February 23, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rev. Robert Brookins, Holy Trinity Church of God.

All present pledged to the flag.

ATTENDANCE

Council President Spencer
Councilor Steve Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Maria Baez, District 5
Councilor Waltman, District 6
Mayor T. McMahon
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Managing Director R. Hottenstein
Public Works Director C. Jones
Police Chief W. Heim

PROCLAMATIONS AND PRESENTATIONS

The Council Commendation scheduled will be issued at the March 9th meeting.

PUBLIC COMMENT

Council President Spencer announced that seven citizens were registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the end of the meeting was suspended. Council President Spencer reminded those registered about the remaining speaking rules.

Theodore Chase, of North 10th Street, was not present.

Peter McNeil, of Birdsboro, was not present.

Andrew Tyrell, of Spring Street, was not present.

James Caltagirone, of Hazel Street and representing the residents of the 300 and 400 blocks of Hazel Street, requested that the Hazel Street area be tested and studied further before the tunnel project for the sewer main is approved. He stated that the residents of Hazel Street are opposed to the tunnel project, as they are concerned that this project, combined with the areas predisposition to street cave-ins, could cause considerable damage to residential properties. He reminded Council that Hazel Street has been experiencing street cave-ins for over 40 years. He also noted the need for the City to educate the affected neighborhood about the tunnel project and about the entire waste water treatment plant project.

Ernest Schlegel, of Pear Street, noted the opportunity the federal Stimulus Package could provide to the City of Reading. He expressed fear that the City will see this opportunity as another one-time fix and will mismanage funds, as has been done in the past. He noted that the Stimulus Package is intended to create jobs for Reading residents. He also noted the overall expectation that the PRD Ordinance will be considered by Council tonight.

Stefan Kosikowski, of South 11th Street, advised the body of Council that he will not be running for public office during this election cycle. He expressed the belief that those running should review campaign regulations. He described ways that past candidates have bent campaign regulations and laws.

Cindy Olanin, of Oley Street, distributed photographs of the Birch Tavern showing various property maintenance violations. She stated that this property has evaded the enforcement and citation process for the better part of 50 years. She stated that this property owner has a complete disregard for property maintenance regulations. She stated that the ongoing problems at this property have damaged the values of the surrounding properties. She described a handful of the problems at this property and expressed the belief that it is time for the City to take serious enforcement action.

APPROVAL OF AGENDA & MINUTES

Council President Spencer asked Council to consider the agenda for this meeting, including the legislation listed under the consent agenda heading, and the minutes from the February 9th regular meeting. He noted the need for the following amendments:

- Remove Resolution 12-2009 from the Consent Agenda, for separate consideration
- Remove the Storm Water Utility Study Award of Contract from the Consent Agenda for separate consideration
- Remove the PRD Ordinance from the Pending Agenda for Council action

Councilor Fuhs moved, seconded by Councilor Goodman-Hinnershitz, to approve the minutes from the February 9th regular meeting and the agenda, as amended, including the legislation listed on the Consent Agenda. The motion was approved unanimously.

Consent Agenda

Award of Contract - for civil engineering services for the new laboratory, administration and systems building for the Wastewater Treatment Plant for the Department of Public Works to Herbert, Rowland, and Grubic, Inc., at a total contract price of \$308,000 **(Purchasing)**

Award of Contract - for architectural services for the new laboratory, administration and systems building for the Wastewater Treatment Plant for the Department of Public Works to Seiler + Drury, 420 DeKalb Street, Norristown, PA 19401, at a total contract price of \$256,460 **(Purchasing)**

Resolution 12-2009 - Authorizing the submission of the attached PaDEP Grantee Agreement for Bushong Mill Dam, across the Tulpehocken Creek, upstream from the confluence with the Schuylkill River **(Public Works) Tabled at the Feb 9th regular meeting**

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution 12-2009.

Resolution 12-2009 was tabled by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer
President – 6.
Nay: Waltman - 1.

Award of Contract - for Storm Water Utility Analysis for the Public Works Department (Purchasing)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Waltman, to approve this award of contract.

Councilor Waltman advised against approving this award of contract as the City currently mismanages several program areas, such as water billing, the housing permit program, various collections areas, etc. He questioned the City's ability to properly manage this new program.

The motion to approve the award of contract was approved by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner– 4.
Nay: Fuhs, Waltman, Spencer, President - 3.

ADMINISTRATIVE REPORT

Managing Director Hottenstein highlighted the report distributed at the meeting covering the following:

- Crime Watch Spaghetti Dinner on March 7th
- Reading Public Library's receipt of a \$49,985 grant to expand bookmobile services
- Recap of EMS billing

Councilor Fuhs noted the EMS report shows \$100,000 outstanding at the end of 2007 and \$1,000,000 outstanding at the end of 2008. He inquired about the cause of the increase in the outstanding balance. Managing Director Hottenstein stated that the gap is created as EMS billing runs one quarter behind.

Councilor Goodman-Hinnershitz requested that the report on graffiti be uploaded on the website. Managing Director Hottenstein agreed to post the graffiti report.

Councilor Waltman agreed that the recurring safety violations at the Birch Tavern need to be resolved, as the neighbors are clearly exasperated. He asked the Administration to devise a solution.

Councilor Waltman also suggested that the Administration work to include City youth in the graffiti removal program.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- 2009 Admissions Tax collection
- 2009 Real Estate Transfer Tax collections

Councilor Waltman noted the decrease in the Real Estate Transfer Tax revenue reflects both the economic crisis and the increase in housing stability in the City.

ORDINANCES FOR FINAL PASSAGE

Bill No. 7-2009 – increasing the salary of the Police Chief to \$108,957.13, a 4% increase, per annum retroactive to January 23, 2009 **(Managing Director) Introduced at the January 26 regular meeting, Tabeled at the February 9th regular meeting.**

Councilor Marmarou moved, seconded by Councilor Fuhs, to enact Bill No. 7-2009.

Managing Director Hottenstein stated that the Administration supports this increase due to the Chief's good performance over the past year.

Councilor Marmarou agreed that the Chief's performance warrants this increase.

Council President Spencer explained that this increase is required by the Chief's employment contract. He noted that other management personnel will not receive salary increases this year.

Bill 7-2009 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.
Nay: None – 0.

Bill No. 9-2009 - to adopt an amendment to the Zoning Ordinance under the authority of the Pennsylvania Municipalities Planning Code, which adds a Planned Residential Development (PRD overlay called the "RR Riverfront Redevelopment Overlay Zoning District") and to apply the new district to lands from the centerline of the Schuylkill River to areas to the east and northeast of the river, including areas generally south and southwest of Franklin St, along both sides of S. 2nd St. and Riverfront Dr., and along both sides of Canal Street including areas south of Laurel St., south of Willow St., west of S. 7th St. and north of South St. and as shown in more detail on the attached RR zoning overlay district map ***(Solicitor) Introduced at the December 8 regular meeting; public hearing held January 8; 2nd public hearing scheduled for Feb 18th at 5 p.m. in Council Chambers***

Councilor Fuhs congratulated City Council on the careful and thoughtful approach they placed on this ordinance that will affect southwest Reading. He thanked the public for their patience while Council considered the various issues. He noted concern that the language in this ordinance may disrupt commercial traffic and will harm the existing businesses in and around the PRD area. He also expressed concern that the requirement to close the public parkland area too closely resembles a gated community.

Councilor Goodman-Hinnershitz expressed her belief in the process Council used to study this issue. She noted the need to continue a careful review process that follows other local legislation and the PaMPC.

Councilor Waltman agreed with the process used by Council to consider this ordinance. He apologized for the various delays.

Bill 9-2009 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7.
Nay: None – 0.

INTRODUCTION OF NEW ORDINANCES

Ordinance – increasing the salary of the Human Resources Director to \$80,800, a 1% increase, retroactive to November 13, 2008 **(Man Dir)**

Ordinance - amending the FY 2006-2012 Capital Improvement Plan for the City of Reading **(Man Dir)**

Council President Spencer referred the CIP Amendment Ordinance to the Public Works Committee meeting on March 16th.

RESOLUTIONS

Resolution No. 18-2009 – Appointing Ernest Schlegel to the Park and Recreation Advisory Committee **(Admin Oversight)**

Resolution 19-2009 – Reappointing Peter Sutliff to the Historical Architectural Review Board **(Admin Oversight)**

Resolution 20-2009 – Reappointing James Snyder to the Downtown Improvement District Authority **(Admin Oversight)**

The Administrative Oversight Committee moved to adopt Resolutions No. 18, 19, and 20-2009.

Councilor Marmarou noted the exceptional talent, skill and experience of those being appointed and reappointed tonight.

Councilor Goodman-Hinnershitz commended the Administrative Oversight Committee for their work to consider the various appointment applications.

Resolution No. 18, 19, and 20-2009 were adopted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman,
Spencer President – 5.
Nay: None – 0.**

Resolution No. 21-2009 – Hiring James Kennedy as a Police Officer **(Police)**

Resolution No. 22-2009 – Hiring Craig Chapman as a Police Officer **(Police)**

Resolution No. 23-2009 – Hiring Derrick J. Kasprzewski as a Police Officer **(Police)**

Resolution No. 24-2009 – Hiring Alfredo Ortiz as a Police Officer **(Police)**

Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolutions No. 21, 22, 23, and 24 -2009.

Resolutions No. 21, 22, 23, and 24 -2009 were adopted by the following vote:

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 5.
Nay: None – 0.**

Resolution – Authorizing the appeal the Court of Common Pleas decision regarding the Reading Regional Airport land sale **(Spencer & Waltman)**

Councilor Baez moved, seconded by Councilor Fuhs, to adopt Resolution No. 25-2009.

Councilor Fuhs noted the City's history operating the airport and the Authority's and County Commissioner's lack of response to Council's questions on the proposed land sale. He stated that he will not support this resolution due to the recent Court decision. He noted his admiration for the position City Council took to uphold their fiduciary responsibility to Reading taxpayers. He also thanked Councilor Waltman for his work on this issue.

Councilor Fuhs also questioned County Commissioner Leinbach's veiled threat to one of the members of this Council. He noted the continued lack of respect the Commissioners have for the citizens of Reading.

Councilor Sterner agreed with the remarks of Councilor Fuhs. He also expressed the belief that the Commissioners should have responded to Council's questions which would have eliminated the need for litigation.

Councilor Waltman expressed the belief that the parcels targeted for sale were purchased with City taxpayer dollars for airport use. He noted that the language in the Airport Authority's Articles of Incorporation clearly eliminate the Authority's ability to sell any of the airport land. He stated that the document was drafted at a time when people were not "lawyered up" as they are today. He stated that the question of the City's legal standing has not been properly addressed. He noted that Council was not being obstructive, but just asking responsible questions. He expressed the belief that further legal review could provide the clarification on various issues.

Councilor Marmarou stated that he will support the appeal request and objected to the threatening words of Commissioner Leinbach.

Councilor Goodman-Hinnershitz stated that the process used to consider this issue was healthy and helpful but noted that it is time to move forward past the legal issues. She noted her disagreement on several issues but suggested that the City use this as a learning experience for the refinement of future agreements with the County. She also noted the need to improve communications with the Commissioners without litigation.

Council President Spencer stated that he had been questioning the further appeal of the airport litigation until he and the Mayor met with the Commissioners last week. He stated that he now believes that this decision should be appealed. He agreed that Council should question the Authority's proposed sale of land purchased using City taxpayer dollars alone. He stated that the County plans to sell this City land to offset the debt incurred by the Airport Authority. Originally Council was told that the Airport Authority had negotiated a redevelopment project for this land; however, at the meetings with the Mayor and Commissioners he learned that there is no pending deal.

Council President Spencer reminded everyone that the past Commissioners refused to assist the City with the costs of the Library unless the City gave up majority control of the Airport Authority. He also noted the Commissioners failure to live up to the Library contract which sets their payment to assist the Library operations at a minimum of \$900,000 annually.

Mayor McMahon expressed the belief that this issue should not be prolonged due to an inappropriate remark by one of the Commissioners. He asked Council to look past the problems at hand and move towards future work with the County Commissioners.

Councilor Waltman clarified that his position and belief that the land sale decision should be appealed is not based on resentment. He expressed the belief that the City never intended to see this land sold, but to retain the City's future interest in the land which is proven through the reversion clause in the accompanying paperwork.

Resolutions No. 25-2009 was not adopted by the following vote:

Yea: Baez, Waltman, Spencer President – 3.

Nay: Fuhs, Goodman-Hinnershitz, Marmarou, Sterner - 4.

COUNCIL COMMENT

Council President Fuhs thanked the citizens who spoke this evening. He also noted the need for a meeting with Hazel Street residents about the tunnel portion of the waste water treatment project. He asked the City Clerk to make the necessary arrangements. Councilor Goodman-Hinnershitz agreed.

Councilor Goodman-Hinnershitz announced that a meeting will be held with residents who will be affected by the upcoming water main project on Cotton Street.

Councilor Baez announced the Glenside Community Group meeting on Thursday, March 5th. She also noted the new neighborhood group meeting in the West Greenwich and Ritter Street area on March 19th. She asked citizens in this area to bring input and ideas.

Councilor Sterner agreed that the issues with the Birch Tavern need final resolution as this issue has gone on long enough. He noted the attitude of some on the Airport land sale is reminiscent of the Antietam issue.

Councilor Sterner announced the meeting of the 13th and Green Crime Watch meeting on Wednesday, February 25th.

Council President Spencer inquired if the Police Department is close to making any graffiti related arrests. Chief Heim stated that the department is still involved in the investigation phase. Council President Spencer inquired if those involved will be charged for each incidence. Chief Heim stated that the department will aggregate the crimes to increase the amount of the fine.

Council President Spencer reviewed the upcoming meeting schedule.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk

RESOLUTION NO. _____

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program ("RACP"); and

WHEREAS, the City of Reading has identified the acquisition and construction of the 7th & Penn site for a 776 car structured parking garage for the Double Tree Hotel Project (the "Project") as eligible for such "RACP" assistance; and

WHEREAS, the Project will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact through the enhancement of the city's downtown.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the Mayor of the City of Reading is authorized to file an application for "RACP" funds in the amount of \$ 6.0 million dollars (\$6,000,000.00) for the Reading Parking Authority and the 776 car structured parking garage for the Double Tree Hotel Project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania.

Adopted by Council _____, 2009

President of Council

Attest:

City Clerk

(Law)



AGENDA MEMO MANAGING DIRECTOR

TO: President Spencer and Members of the City Council

FROM: Ryan P. Hottenstein, Managing Director

MEETING DATE: February 23, 2009

AGENDA MEMO DATE: February 18, 2009

RECOMMENDED ACTION:

To approve an Ordinance presented by the Administration relating to the annual salary for Christine Wheelen, Human Resources Director, for the City of Reading.

Deleted: William Heim, Police Chief

RECOMMENDATION:

It is the recommendation of this Administration to increase the salary for the Human Resources Director to \$80,800 (1%) percent increase, effective upon her anniversary date. The performance evaluation supporting this recommended action was conducted as per our City Ordinance No. 22-2002, which provides for a performance review of department heads to be completed by the Managing Director.

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BACKGROUND:

It is this Administration's position to make the salary level for all department directors as equitable and fair as possible.

Part of Ms. Wheelen's accomplishments are:

Supported and participated in promoting the HPO process.

Met with unions on a regular basis to resolve labor management issues.

Worked with Department Directors to develop a succession plan for each of their areas.

Reviewed benefit analysis and met with benefit consultants.

Worked to update the employee handbook.

Prepared a training analysis of the City via the input of all Department heads.

Worked with and supervised the Diversity Officer on diversity efforts in the City.

Worked to established updated payroll system.

Assisted with the negotiation of the Apscme Rank and File union contract.

Performed recruitment efforts for the City.

BUDGETARY IMPACT:

The increase amounts to \$800. Funds are available in the City's General Fund in the Human Resources Department budget in various accounts.

PREVIOUS ACTION:

Not applicable.

SUBSEQUENT ACTION:

Not applicable.

RECOMMENDED BY:

The Mayor and Managing Director

RECOMMENDED MOTION:

Increase the present salary of the Human Resources Director to \$80,800.

Deleted: The Crime Plan is the Chief's principal instrument of communicating expectations and performance standards. He is encouraged to make it more visible, more hardened with deadlines, and who is responsible for the deliverables. He needs to find ways for everyone to think the Crime Plan is their plan, and not "Chief Heim's Plan"

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BILL NO. _____

AN ORDINANCE

AN ORDINANCE INCREASING THE SALARY OF HUMAN RESOURCES DIRECTOR, CHRISTINE WHEELEN, IN ACCORDANCE WITH SECTION 706. OF THE CITY OF READING HOME RULE CHARTER AND BILL NO. 22-2002 WHICH ESTABLISHED A PROCEDURE FOR CITY COUNCIL TO PROVIDE ANNUAL INCREASES TO THE CITY'S DEPARTMENT DIRECTORS.

WHEREAS, Christine Wheelen was confirmed, by City Council, as the City's Human Resources Director on November 13, 2007; and

WHEREAS, City Council passed Bill No. 22-2002, on June 24, 2002, which states that a Department Director shall receive an annual salary adjustment based upon a performance evaluation; and

WHEREAS, Christine Wheelen, received a performance evaluation which is satisfactory, meeting motivational standards, she is entitled to a salary increase to \$80,800 (1%).

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. COMPENSATION.

The salary of Christine Wheelen, shall be increased to \$80,800 per annum retroactive to November 13, 2008.

SECTION 2. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

Attest:

President of Council

City Clerk

BILL NO. _____ 2009
AN ORDINANCE

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES
CHAPTER 27 ZONING BY CREATING A NEW SECTION IN PART 11
ADDITIONAL REQUIREMENTS FOR SPECIFIC USES OF ZONING DISTRICTS
BY PLACING REQUIREMENTS FOR THE RENTAL OF SINGLE FAMILY HOMES
IN AREAS ZONED R-1, R-1A and R-2 AND AMENDING THE DEFINITIONS
SECTION.**

WHEREAS, as the City's Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

WHEREAS, over 50% of all residential dwellings in the City of Reading are rental dwellings; and

WHEREAS, there is a greater incidence of violations of various codes of the City at residential dwelling where Owners do not reside in the City and rent such dwelling to three or more unrelated individuals than at an Owner-occupied residential dwelling or one family-occupied residential dwellings; and

WHEREAS, there is a greater incidence of problems with maintenance/upkeep and quality of life disturbance of residential dwellings where Owners do not reside in the City and rent such dwelling to three or more unrelated individuals than at Owner-occupied dwellings or one family-occupied dwellings; and

WHEREAS, the City of Reading City Council and residents of these neighborhoods seek to preserve the quality of life in the low density residential zones by creating requirements for one family rental dwelling in area zoned R-1, R-1A and R-2.

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 11 Additional Requirements for Specific Uses or Zoning Districts by creating a Section 27-1107 which creates restrictions on the rental of one family detached and semi-detached dwellings in R-1, R-1A and R-2 zoning districts, as follows:

Section 27-1107. Requirements for Rental Dwellings in the R-1, R-1A and R-2 Zoning Districts.

- A. All one family rental dwellings must obtain a zoning permit.
- B. No one family dwelling in these zoning districts shall be converted for multi-family use or created to become Roommate Households as defined in Sections 27-1202 (16) and 27-2202.
- C. The zoning application must include a site plan and architectural plans, drawn to scale, must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
- D. The rental dwelling must meet the standards of the City of Reading building, housing and fire codes as required for residential rental dwellings. The owner must verify to the City of Reading on an annual basis that the dwelling meets all of the maintenance, plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.
- E. No cooking facilities of any kind shall be located in any room except the central kitchen.
- F. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.
- G. No basement or cellar shall be used as a habitable bedroom except by special approval and variance from the Zoning Hearing Board.
- H. Each rental dwelling must provide off-street parking as stated in the City of Reading Zoning Ordinance Section 27-1603 V.
- I. No rental dwelling shall be located within 800 feet of another except by special approval and variance from the Zoning Hearing Board.

SECTION 2. Requiring all existing rental detached and semi-detached dwellings in R-1, R-1A and R-2 zoning districts to register their dwellings pre-existing, non-conforming status within one (1) year of the enactment of this ordinance. Registering the dwelling by this date will allow the dwelling to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the dwelling must be converted to a use permitted in the zone within six (6) months.

SECTION 3. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning Part 22 Definitions by adding the following:

RENT, RENTING, RENTAL, LET, LETTING, LEASE OR WORDS OF SIMILAR MEANING – the act of permitting a unit to be used to provide a

living arrangement for one or more persons not the owner thereof whether or not for compensation.

RENTABLE UNIT, RENTAL PROPERTY, UNIT, OR WORDS OF SIMILAR

MEANING - Any dwelling, dwelling unit, rooming house or rooming unit not solely occupied by the owner.

ROOMING UNIT- a portion of a building providing rooms for sleeping and/or sanitary facilities.

ROOMMATE HOUSEHOLDS - a shared housing arrangement where ~~at least two, and no more~~ than three persons not related by blood, marriage, adoption or foster relationship live together in a single dwelling unit and/or a single housekeeping unit on a permanent or temporary arrangement. Any exception to this definition in number of persons in the occupancy arrangement requires approval as a special exception review by the Zoning Hearing Board.

SECTION 4. The owner or qualified agent or manager of the property shall register the rental dwelling annually with the Codes Services and Tax Administration offices. Failure to register on an annual basis will revoke the zoning permit.

SECTION 5. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

President of Council

|
Attest:

City Clerk

(Councilor Marmarou & Council Staff)

BILL NO. _____ 2009

AN ORDINANCE

**AN ORDINANCE AMENDING THE FY 2006-2012 CAPITAL IMPROVEMENT PLAN
FOR THE CITY OF READING.**

SECTION 1. The City Council amends the FY 2006-2012 Capital Improvement Program totaling \$16,509,151.00 of debt funding, by providing for improvements to City Council Chambers in the amount of \$50,000 for a new program total of \$16,559,151.00.

SECTION 2. The proposed amendments are set forth in Exhibit A, as attached hereto and made a part hereof.

SECTION 3. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

President of Council

Attest:

City Clerk

EXHIBIT A

**CITY OF READING
CAPITAL IMPROVEMENTS PROGRAM
FY 2006 - FY 2012**

PROJECT	YEAR	PROJ. COST	DEBT FINANCING	EXPENDITURES TO DATE	BALANCE	AMENDMENT	NEW BUDGET	STATUS	
2006									
RESCUE 1	2006	\$450,000.00	\$450,000.00	\$462,441.00	(\$12,441.00)	\$12,441.00	\$462,441.00	COMPLETED	
RECOVERY	2006	\$1,250,000.00	\$1,250,000.00	\$1,252,025.00	(\$2,025.00)	\$2,025.00	\$1,252,025.00	COMPLETED	
Power Source	2006	\$67,000.00	\$67,000.00	\$16,900.00	\$50,100.00	\$0.00	\$67,000.00	IN PROGRESS	
S SYSTEM FOR CITYWIDE*	2006	\$3,000,000.00	\$750,000.00	\$91,779.00	\$658,221.00	(\$568,221.00)	\$181,779.00	IN PROGRESS	
BROOK FIRE STATION	2006	\$1,500,000.00	\$1,500,000.00	\$428,058.00	\$1,071,942.00	\$2,000,000.00	\$3,500,000.00	IN PROGRESS	
CLASSROOM ADDITION	2006	\$52,000.00	\$52,000.00	\$0.00	\$52,000.00	\$200,000.00	\$252,000.00	IN PROGRESS	
PROPERTY CITY HALL ROOF	2006	\$100,000.00	\$100,000.00	\$7,000.00	\$93,000.00	\$0.00	\$100,000.00	IN PROGRESS	
e Lighting Repairs	2006	\$87,000.00	\$87,000.00	\$0.00	\$87,000.00	\$0.00	\$87,000.00	IN PROGRESS	
ALT BRINE EQUIPMENT	2006	\$50,000.00	\$50,000.00	\$33,393.00	\$16,607.00	(\$16,607.00)	\$33,393.00	IN COMPLETED	
WEST BRANCH REPAIRS	2007	\$60,000.00	\$60,000.00	\$17,000.00	\$43,000.00	\$0.00	\$60,000.00	IN PROGRESS	
E ROOM EXPANSION	2006	\$200,000.00	\$200,000.00	\$10,472.00	\$189,528.00	\$50,000.00	\$250,000.00	IN PROGRESS	
PROPERTY STADIUM HIGH MAST REPLACEMENT	2006	\$152,000.00	\$152,000.00	\$115,290.00	\$36,710.00	(\$36,710.00)	\$115,290.00	IN COMPLETED	
BAER PARK PLAYGROUND RENOVATION	2006	\$100,000.00	\$50,000.00	\$3,975.00	\$46,025.00	\$0.00	\$50,000.00	IN PROGRESS	
	2006	\$100,000.00	\$100,000.00	\$100,000.00	\$0.00	\$0.00	\$100,000.00	COMPLETED	
		\$7,168,000.00	\$4,868,000.00	\$2,538,333.00	\$2,329,667	\$1,642,928	\$6,510,928.00		
2007									
ENGINE 14	2007	\$475,000.00	\$475,000.00	\$473,538.00	\$1,462.00	(\$1,462.00)	\$473,538.00	IN COMPLETED	
n Camera Network	2007	\$1,785,000.00	\$390,000.00	\$91,560.00	\$298,440.00	\$0.00	\$390,000.00	IN PROGRESS	
RANCH RENOVATION	2007	\$140,000.00	\$140,000.00	\$0.00	\$40,000.00	(\$100,000.00)	\$40,000.00	IN	

								PROGRESS
CITY PARK RENOVATION	2007	\$1,050,000.00	\$1,500,000.00	\$49,504.00	\$1,450,496.00	\$0.00	\$1,500,000.00	COMPLETED
RASH COMPACTOR TRUCK	2007	\$120,000.00	\$120,000.00	\$103,394.00	\$16,606.00	(\$16,606.00)	\$103,394.00	COMPLETED
PROPERTY BANDSHELL REHABILITATION	2007	\$80,000.00	\$80,000.00	\$45,337.00	\$34,663.00	\$0.00	\$80,000.00	IN PROGRESS
PROPERTY Pagoda Renovations	2007	\$1,443,900.00	\$1,443,900.00	\$100,468.00	\$343,432.00	\$0.00	\$1,443,900.00	IN PROGRESS
DUMP TRUCK	2007	\$110,000.00	\$110,000.00	\$64,615.00	\$45,385.00	(\$64,615.00)	\$45,385.00	COMPLETED
BAER PARK PLAYGROUND RENOVATION	2007	\$100,000.00	\$50,000.00	\$3,975.00	\$46,025.00	\$0.00	\$50,000.00	IN PROGRESS
Hillside Playground Renovation	2007	\$70,000.00	\$60,000.00	\$2,230.00	\$57,770.00	(\$57,770.00)	\$0.00	IN PROGRESS
VE WALL REPAIR	2007	\$171,500.00	\$171,500.00	\$0.00	\$171,500.00	\$0.00	\$171,500.00	IN PROGRESS
ENGINEERING BUCKET TRUCK	2007	\$70,000.00	\$70,000.00	\$21,740.00	\$48,260.00	(\$48,260.00)	\$21,740.00	COMPLETED
SCHLEGEL PARK POOL REPLASTER/TILE	2007	\$150,000.00	\$150,000.00	\$202,100.00	(\$52,100.00)	\$52,100.00	\$202,100.00	COMPLETED
ENGINEERING HANDICAP RAMPS	2007	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
PROPERTY 6 & PENN COURTYARD UPGRADE	2007	\$120,000.00	\$120,000.00	\$0.00	\$12,000.00	\$0.00	\$120,000.00	IN PROGRESS
PROPERTY ATHLETIC FIELD LIGHTING	2007	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
ark Pond Remediation & Water Feature	2007	\$230,000.00	(\$230,000.00)	\$0.00	\$0.00	(\$230,000.00)	\$0.00	CDBG
GE OVERHEAD LUBRICATION SYSTEM	2007	\$114,666.00	\$114,666.00	\$0.00	\$114,666.00	\$0.00	\$114,666.00	IN PROGRESS
		\$6,330,066.00	\$4,665,066.00	\$1,158,461	\$2,628,605	(\$566,613)	\$4,756,223.00	
2008								
STREET FIRE STATION	2008	\$2,500,000.00	\$2,500,000.00	\$0.00	\$2,500,000.00	(\$2,500,000.00)	\$0.00	DELETED
PROPERTY STADIUM FIELD LIGHTING UPGRADES	2007	\$60,000.00	\$60,000.00	\$0.00	\$60,000.00	\$0.00	\$60,000.00	IN PROGRESS
PROPERTY STADIUM HIGH MAST PAINTING	2007	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	IN PROGRESS
PROPERTY CITY HALL BRASS RESTORATION	2007	\$75,000.00	\$75,000.00	\$0.00	\$75,000.00	(\$75,000.00)	\$0.00	DELETED
URNISHINGS	2007	\$60,000.00	\$60,000.00	\$0.00	\$60,000.00	(\$60,000.00)	\$0.00	DELETED
3rd & SPRING PLAYGROUND RENOVATION	2008	\$160,000.00	(\$80,000.00)	\$0.00	\$0.00	(\$80,000.00)	\$0.00	CDBG
BAER PARK FIELD HOUSE RENOVATION	2008	\$100,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
	2008	\$126,000.00	\$126,000.00	\$0.00	\$126,000.00	\$0.00	\$126,000.00	IN PROGRESS

Angelica Nature Center	2008	\$1,000,000.00	\$1,000,000.00	\$0.00	\$1,000,000.00	\$0.00	\$1,000,000.00	
	2008	\$365,000.00	\$365,000.00	\$0.00	\$365,000.00	\$0.00	\$365,000.00	IN
y Hall	2008	\$30,600.00	\$30,600.00	\$0.00	\$30,600.00	(\$30,600.00)	\$0.00	PROGRESS
Roof for City Hall	2008	\$336,000.00	\$336,000.00	\$0.00	\$336,000.00	(\$336,000.00)	\$0.00	DELETED
a Drive Guard Rails	2009	\$230,000.00	\$230,000.00	\$0.00	\$230,000.00	\$0.00	\$230,000.00	DELETED
EDIA UPGRADE Council Chambers	2008	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	IN
		\$5,142,600.00	\$4,752,600.00	\$0.00	\$4,882,600.00	(\$3,131,600.00)	\$1,881,000.00	PROGRESS
2009								
FRONT END LOADER	2008	\$175,000.00	\$175,000.00	\$0.00	\$175,000.00	\$0.00	\$175,000.00	
TREET SWEEPERS	2007	\$300,000.00	\$300,000.00	\$0.00	\$300,000.00	\$0.00	\$300,000.00	
UCK LIFT	2008	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00	DELETED
INEERING HANDICAP RAMPS	2007	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
HAMPDEN/MARION FIRE STATION	2009	\$2,500,000.00	\$2,500,000.00	\$0.00	\$2,500,000.00	(\$2,500,000.00)	\$0.00	DELETED
NORTHMONT PLAYGROUND RENOVATION	2009	\$160,000.00	(\$80,000.00)	\$0.00	\$0.00	(\$80,000.00)	\$0.00	CDBG
First Energy Stadium Repair	2009	\$26,000,000.00	\$1,300,000.00	\$0.00	\$1,300,000.00	\$0.00	\$1,300,000.00	IN
ge Repair	2009	\$450,000.00	\$450,000.00	\$0.00	\$450,000.00	\$0.00	\$450,000.00	PROGRESS
all Improvements	2009	\$150,000.00	\$150,000.00	\$0.00	\$150,000.00	\$0.00	\$150,000.00	
		\$29,835,000.00	\$4,795,000.00	\$0	\$4,925,000	(\$2,680,000)	\$2,375,000.00	
2010								
can Museum Site Preparation	2007	\$6,170,000.00	\$500,000.00	\$0.00	\$500,000.00	\$0.00	\$500,000.00	
EAST BRANCH REPAIRS	2008	\$70,000.00	\$70,000.00	\$0.00	\$70,000.00	\$0.00	\$70,000.00	IN
ROW IMPROVEMENTS	2008	\$250,000.00	\$200,000.00	\$0.00	\$200,000.00	(\$200,000.00)	\$0.00	PROGRESS
PERTY ATHLETIC FACILITIES LIGHTING	2008	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00	DELETED
INEERING HANDICAP RAMPS	2008	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	DELETED
T END LOADER	2009	\$120,000.00	\$120,000.00	\$0.00	\$120,000.00	(\$120,000.00)	\$0.00	CDBG
TREET SWEEPERS	2009	\$300,000.00	\$300,000.00	\$0.00	\$300,000.00	(\$300,000.00)	\$0.00	DELETED
RANCH EXPANSION	2010	\$8,000,000.00	\$2,000,000.00	\$0.00	\$2,000,000.00	(\$2,000,000.00)	\$0.00	DELETED
KEFFER PARK FIELD HOUSE RENOVATION	2008	\$100,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	DELETED
c Portal	2008	\$286,000.00	\$286,000.00	\$0.00	\$286,000.00	\$0.00	\$286,000.00	CDBG
								IN
								PROGRESS

		\$15,396,000.00	\$3,426,000.00	\$0	\$3,526,000	(\$2,770,000)	\$856,000.00	
2011								
TREET SWEEPERS	2010	\$300,000.00	\$300,000.00	\$0.00	\$300,000.00	(\$300,000.00)	\$0.00	DELETED
NDMASTER TRACTOR	2010	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	\$0.00	\$50,000.00	
V Branch	2011	\$1,800,000.00	\$1,800,000.00	\$0.00	\$1,800,000.00	(\$1,800,000.00)	\$0.00	DELETED
PERTY ATHLETIC FACILITIES LIGHTING	2010	\$50,000.00	\$50,000.00	\$0.00	\$50,000.00	(\$50,000.00)	\$0.00	DELETED
EAST BRANCH REPAIRS	2009	\$70,000.00	\$70,000.00	\$0.00	\$70,000.00	\$0.00	\$70,000.00	
ENGINEERING HANDICAP RAMPS	2008	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
ENGINEERING HANDICAP RAMPS	2008	\$50,000.00	(\$50,000.00)	\$0.00	\$0.00	(\$50,000.00)	\$0.00	CDBG
Whitewater Park	2007	\$522,810.00	\$525,000.00	\$0.00	\$525,000.00	(\$525,000.00)	\$0.00	DELETED
PENDORA PARK FIELD HOUSE RENOVATION	2008	\$200,000.00	(\$100,000.00)	\$0.00	\$0.00	(\$100,000.00)	\$0.00	CDBG
MOBILE REPLACEMENT	2010	\$120,000.00	\$120,000.00	\$0.00	\$120,000.00	(\$120,000.00)	\$0.00	CDBG
ROW IMPROVEMENTS	2009	\$250,000.00	\$250,000.00	\$0.00	\$250,000.00	(\$250,000.00)	\$0.00	DELETED
ROW IMPROVEMENTS	2010	\$250,000.00	\$250,000.00	\$0.00	\$250,000.00	(\$250,000.00)	\$0.00	DELETED
PERTY STADIUM FIELD LIGHTING UPGRADES	2010	\$60,000.00	\$60,000.00	\$0.00	\$60,000.00	\$0.00	\$60,000.00	
		\$3,772,810.00	\$3,275,000.00	\$0	\$3,475,000	(\$3,495,000)	\$180,000.00	
		\$67,644,476.00	\$25,781,666.00	\$3,696,794	\$21,766,872	(\$11,000,285)	#####	

The estimated schedule for the drawing down of funds
for the remaining four years of the CIP is as follows:

Approximately \$13.2 million remains in eligible CIP projects.

The City of Reading would expend approximately \$3.3 million per year from the beginning of
2009 to the completion of the last CIP projects which are scheduled for 2011.

This annual expenditure translates into a monthly expenditure of approximately \$275,000
or approximately \$1.65 million every six months. While the CIP project list concludes in 2011
it is expected final completion of all projects would not occur until 2012.

gh mast replacement project is proposed to remain unscheduled until final determination of whether to renovate or re-locate Municipal Stadium is made.

t paving is budgeted every year, the magnitude of the effort is beyond the City's financial capacity, thus proposing State and Federal funding. The project financed, but the life of a road is less than 10 years making it a poor candidate for such funding.

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

Authorizing the submission of the attached PaDEP Grantee Agreement for
Bushong Mill Dam, across the Tulpehocken Creek, upstream from the
confluence with the Schuylkill River

Adopted by Council on this ____ day of February, 2009

President of Council

Attest:

Linda A. Kelleher
City Clerk



AGENDA MEMO

TO: City Council
PREPARED BY: Michael R. Keen – Intern for the Law Department
MEETING DATE: March 9, 2009
AGENDA MEMO DATE: February 27, 2009
REQUESTED ACTION: Council approve the change of the definition of loitering
RECOMMENDATION:

Council approve a change in the definition of loitering to make it more consistent with that of all other conduct ordinances

BACKGROUND:

Council approved previous amendment regarding ordinance 57-2008, on September 8th 2008, to further prohibit conduct in regards to juveniles between 8:00am and 3:30pm.

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

None

SUBSEQUENT ACTION:

None

RECOMMENDED BY:

RECOMMENDED MOTION:

Approve the amendment to ordinance 57-2008 regarding the revised definition of loitering.

BILL NO. _____ 2009
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 6, PART 7, SCHOOL TIME CURFEW, **TO ADD A NEW SECTION PERTAINING TO PROHIBITED CONDUCT OF JUVENILES ON SCHOOL DAYS AND ADDING THIS NEW SECTION TO THE ENFORCEMENT PROCEDURE; CHANGING THE END TIMES FOR PROHIBITED CONDUCT AND DEFINING GRADE SCHOOL, AS ATTACHED IN EXHIBIT A.**

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Whereas, the City of Reading has an obligation to provide for the protection of juveniles from each other and other persons; for the protection of the general public; and for the reduction of the incidents of criminal activity.

Whereas, loitering around school buildings creates safety hazards for students, City residents and visitors; and

Whereas, the City of Reading City Council enacts this legislation to **further** prohibit juveniles from loitering in the vicinity of school buildings to protect students, residents and visitors against crime and undue annoyance.

NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

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SECTION 1. Amending the City of Reading Codified Ordinances Chapter 6, Conduct, Part 7, School Time Curfew, to protect the public safety, health and welfare of all in our community as attached in Exhibit A.

SECTION 2. This Ordinance will become effective in ten (10) days when approved in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2009

President of Council

Attest:

City Clerk

(Law)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

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EXHIBIT A

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PART 76
SCHOOL TIME CURFEW

§6-701. Background.

The City of Reading and community have legitimate concerns regarding the refusal or failure of juveniles to attend school as required by the Compulsory Attendance Statute of the Commonwealth, with evidence that juveniles who refuse to attend school are more likely to not complete elementary or secondary education and are more likely to engage in misconduct injurious to themselves or other persons or property.
(Ord. 13-2001, 6/11/2001, §1)

§6-702. Purpose.

The City of Reading has an obligation to provide for the protection of juveniles from each other and from other persons, for the enforcement of parental responsibility for acts of their children, for the protection of the general public, and for the reduction of the incidents of juvenile criminal activity. The City also desires to promote the safety and good order of the community by encouraging parental responsibility and helping to eradicate or minimize the occurrences of rowdiness, vandalism, harassment, graffiti, theft, drug dealing, drug use, and other behaviors of juveniles as well as the harm done by juveniles to the community.
(Ord. 13-2001, 6/11/2001, §2)

§6-703. Definitions.

ESTABLISHMENT - any privately owned place of business operated for a profit to which the public is invited including, but not limited to, any place of amusement or entertainment.

GRADE SCHOOL - any elementary or secondary institution.

GUARDIAN - a person who, under court order, is the guardian of a juvenile, or a public or private agency with which a juvenile has been placed by a court of competent jurisdiction.

HOMESCHOOL - applies to children legally authorized to participate in a Home Education Program conducted in compliance with §1327.1 of the Public School Code.
(Ord. 13-2001, 6/11/2001, §3)

JUVENILE - any unmarried person over 7 years of age and under 17 years of age or a person over 17 years of age and less than 18 years of age who is enrolled in or subject to compulsory education.

LOITERING - to physically be on the property of an establishment or public place. Remaining idle in essentially one location or lingering or standing around without purpose either alone or in consort with others.

OPERATOR - any individual, firm, association, partnership, corporation, or other entity, operating, managing or conducting any establishment. The term "operator" includes the members, owner or partners of an association, partnership or other similar entity and the officers of a corporation.

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PARENT - a person who is the birth parent, step-parent or adoptive parent of a juvenile. As used herein, "parent" shall also include a court-appointed guardian or other person, 18 years of age or older, authorized by the parent, a court order, or by the court-appointed guardian to have the care and custody of the juvenile.

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PUBLIC PLACE - any location to which the public or a substantial group of the public has access and includes, but is not limited to streets, sidewalks, the common areas of schools, parks, hospitals, apartment houses, office buildings, transport facilities, shopping centers, malls and other such common areas.

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REMAIN - to fail to immediately leave specific premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

SCHOOL - any public, private; denominational, charter or parochial education institution that is licensed, or exempt from licensing, by the Commonwealth of Pennsylvania or any other state or government, including any alternative program of study, including a homeschool, or workstudy offered by such an institution and any degree granting institution of higher education as prescribed in the regulations of the Board of Education.

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§6-704. Unlawful Activity.

1. It shall be unlawful for any juvenile who is subject to compulsory education to loiter, wander, or be in or upon the public street, road, alley, park, playground or other public place, or the premises of any establishment, vacant lot or any unsupervised place in the City of Reading from 8:30 a.m. through 3:30 p.m. on any day for which the school, at which such juvenile is enrolled, is in session, subject to §6-705.

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2. It shall be unlawful for any juvenile who is subject to compulsory continuing/alterative education to loiter, wander or be in or upon a public street, road, alley, park, playground, or other public place or the premises of any establishment, vacant lot or any unsupervised place in the City of Reading from 8:30 a.m. through 3:30 p.m. on any day for which the school at which such juvenile is enrolled is in session, subject to §6-705.

3. It shall be unlawful for the parent(s) or guardian (s) of any juvenile to knowingly permit or allow the juvenile to remain in, loiter, wander, or be in or upon the public street, road, alley, park, playground or other public place or the premises of any establishment, vacant lot or any unsupervised place from 8:30 a.m. through 3:30 p.m. p.m. on any day for which the school, at which such juvenile is enrolled, is in session, subject to §6-705.

4. No operator of an establishment or the agents or employees thereof shall knowingly permit any juvenile to remain in or about any public place or any establishment between the hours of 8:30 a.m. and 3:30 p.m. p.m. during any day on which the school in which the juvenile is enrolled is in session.

(Ord. 13-2001, 6/11/2001, §4)

5. It shall be unlawful for any juvenile to loiter within 1,000 feet of any grade school building from 8:00 a.m. through 3:30 p.m. on any day in which the school is in session, subject to §6-705 A - I.

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§6-705. Defenses.

It is a defense to prosecution under this Part:

A. That the juvenile is accompanied by his or her parent(s), guardian(s), or other adult(s) who has the care or custody of the juvenile.

B. That the juvenile is on an emergency errand (without any detour or stop) directed by his or her parent(s), guardians) or other adult(s) who has the care or custody of the juvenile.

C. That the juvenile is going to or coming directly from, without detour or stop, with permission, his or her place of school or approved employment, which includes vocational training.

D. That the juvenile is going to or coming directly from a medical appointment or an emergency.

E. That the juvenile has permission to leave the school campus for lunch or a school-related activity or has possession of a valid school-issued off-campus permit.

F. That the juvenile is going to or coming from a continuing/alternative education activity.

G. That the juvenile is attending an official school, religious or other recreational activity supervised by adults or sponsored by the City of Reading or other governmental entity, a civic organization, or another similar entity that takes responsibility for the juvenile and that the parent(s) or guardian (s) has given permission for the student to attend such activity.

H. That the juvenile is going to or returning from, without any detour or stop, of the foregoing in subsection (G).

I. That the juvenile is going to or coming from any government-sponsored activity.

J. That the compulsory education or continuing/alternative education to which the juvenile is subject is not in session.

(Ord. 13-2001, 6/11/2001, §5)

§6-706. Enforcement Procedure.

1. Upon a juvenile's failure to comply with §6-704 (1) (2) or (5) of this Part, a police officer shall issue a citation to the juvenile and transport the juvenile home or to the school from which the juvenile is absent. If cited, the juvenile and parent(s) or guardian(s) shall appear in district justice court. The parent(s) or guardian(s) shall be forwarded a copy of the citation of the juvenile, and said citation will be mailed via certified mail, return receipt requested, and will include a warning that the parent(s) is (are) responsible and liable as the juvenile's parent(s). Any and all records of such citations shall be maintained in the City's database. Each violation shall constitute a separate offense.

2. If the parent(s) or guardian(s) has (have) been warned pursuant to subsection (1) hereof, then the officer may issue a citation to the parent(s) or guardian(s) for every subsequent violation of this Part. Each violation shall constitute a separate offense.

3. Once a citation is issued, pursuant to subsection (2) hereof, each and every subsequent violation of this Part is cause for an officer to issue a citation to the parent(s) or guardian(s) of the juvenile.

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4. If any operator of an establishment or any agents or employees of any operator fail to comply with the provisions of this Part, a police officer shall issue a citation for said violation. Each violation shall constitute a separate offense.
(Ord. 13-2001, 6/11/2001, §6)

§6-707. Penalties.

1. Any juvenile, parent(s) or guardian(s), individual(s), or operator(s) convicted of violating any Section of this Part shall be subject to the following:

A. **First Offense.** \$ 50.00, plus costs and performance of restorative or community service to be assigned by the Superintendent of Schools and/or school principal.

B. **Second Offense.** \$100.00, plus costs and performance of restorative or community service to be assigned by the Superintendent of Schools and principal.

2. Any juvenile, parent(s) or guardian(s), individual(s) or operator(s) convicted of violating any Section of this Part for a third and every subsequent offense, may be subject to a fine not less than \$300.00 or more than \$1,000.00, plus costs and performance of community service as set forth in subsection (1).

3. Any community service required will not exceed 40 hours in a month and will be completed within 30 days from the date of the violation; community service imposed on a juvenile will not be completed by the juvenile during his or her hours of school attendance or related employment
(Ord. 13-2001, 6/11/2001, §7)

§6-708. Delegation.

Appropriate City officials, including members of the Police Department, authorized members of the Reading School District, including truancy enforcement and school safety officers, Children Youth Service employees and juvenile probation officers are authorized and directed to take such actions as are necessary to effectuate this Part.
(Ord. 13-2001, 6/11/2001, §8)

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¶
The text of Chapter 6, Part 7, Section 703, Definitions, is hereby amended to include as follows:¶

¶
Loitering – remaining idle in essentially one location or lingering or standing around without purpose either alone or in consort with others.¶

¶
The text of Chapter 6, Part 7, Section 704, Unlawful Activity, is hereby amended to include as follows:¶

¶
5. It shall be unlawful for any juvenile to loiter within 1,000 feet of any grade school building from 8:30 a.m. through 3:30 p.m. on any day in which the school is in session, subject to §6-705 A - I. ¶

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BILL NO. _____-2009

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE A DEED FROM THE CITY OF READING TO THE READING REDEVELOPMENT AUTHORITY THEREBY CONVEYING PREMISES SITUATE AT 1019 PENN ST., 1021 PENN ST., 1016 COURT ST., 1022 COURT ST. AND 1028 COURT ST., READING, BERKS COUNTY, PENNSYLVANIA.

WHEREAS, the City of Reading is the legal owner of property situate at 1019 Penn Street, 1021 Penn Street, 1016 Court Street, 1022 Court Street and 1028 Court Street, Reading, Berks County, Pennsylvania; and

WHEREAS, conveyance of said premises will facilitate reduction of City owned real property; and

WHEREAS, the City of Reading intends to convey said premises.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

1. **SECTION 1.** The Mayor is authorized to execute a deed, and any other required documents, to convey the premises situate at 1019 Penn Street, 1021 Penn Street, 1016 Court Street, 1022 Court Street and 1028 Court Street, Reading, Berks County, Pennsylvania, from the City of Reading to the Reading Redevelopment Authority.
2. **SECTION 2.** This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(LAW DEPT.)

| Submitted to Mayor:

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Prepared by: Charles D. Younger, Esq.
City Solicitor, City of Reading
City Hall, Rm. 2-54
815 Washington Street
Reading, PA 19601
(610) 655-6208

Return to: Reading Redevelopment Authority
Attn: Adam Mukerji
City Hall, Rm. 2-53
815 Washington Street
Reading, PA 19601

Premises: 1. 1019 Penn Street, Reading, Berks County, ID No. 531777007358
2. 1021 Penn Street, Reading, Berks County, ID No. 531777007395
3. 1016 Court Street, Reading, Berks County, ID No. 531777007434
4. 1022 Court Street, Reading, Berks County, ID No. 531777007498
5. 1028 Court Street, Reading, Berks County, ID No. 531777008414

THIS INDENTURE, made this _____ day of _____, 200____,

BETWEEN CITY OF READING, a Third Class City of Pennsylvania (hereinafter called the Grantor), with an address of 815 Washington Street, Reading, PA 19601, of the one part, and

READING REDEVELOPMENT AUTHORITY OF THE CITY OF READING, a redevelopment authority organized and existing under the laws of the Commonwealth of Pennsylvania, with an address of 815 Washington Street, Reading, PA 19601, (hereinafter called the Grantee), of the other part,

WITNESSETH, that the said Grantor for and in consideration of the sum of \$ 1.00 lawful money of the United States of America, unto it well and truly paid by the said Grantee, at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, bargained and sold, released and confirmed, and by these presents does grant, bargain and sell, release and confirm unto the said Grantee

See Schedule "A" for Legal Description

TOGETHER with all and singular the buildings and improvements, ways, streets, alleys, driveways, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any-wise appertaining, and the reversions and remainders, rents, issues, and profits thereof;

and all the estate, right, title, interest, property, claim and demand whatsoever of it, the said Grantor, as well at law as in equity, of, in and to the same.

TO HAVE AND TO HOLD the said lot or piece of ground described above, with the buildings and improvements thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, to and for the only proper use and behoof of the said Grantee, its successors and assigns, forever.

AND the said Grantor, for itself and its successors, does, by these presents, covenant, grant and agree, to and with the said Grantee, its successors and assigns, that it, the said Grantor, and its successors and assigns, all and singular the hereditaments and premises herein described and granted, or mentioned and intended so to be, with the appurtenances, unto the said Grantee, its successors and assigns, against it, the said Grantor, and its successors and assigns, and against all and every other person and persons whosoever lawfully claiming or to claim the same or any part thereof, by, from or under him, her, it, or any of them, shall and will **SPECIALLY WARRANT** and **DEFEND**.

IN WITNESS WHEREOF, the Grantor has caused its common and corporate seal to be affixed to these presents by the hand of its Mayor, and the same to be duly attested by its Clerk. Dated the day and year first above written.

Sealed and Delivered
In the Presence of Us:

**CITY OF READING, A THIRD CLASS
CITY OF PENNSYLVANIA**

By: _____ (SEAL) THOMAS M. McMAHON, Mayor

Attest:

City Clerk

Commonwealth of Pennsylvania:

: ss.

County of Berks

:

AND NOW, this ____ day of _____, 20____, before me, the undersigned Notary Public, appeared Thomas M. McMahon, who acknowledged himself to be the Mayor of the City of Reading, a third class city of Pennsylvania, a corporation, and he, as such Mayor being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Mayor.

IN WITNESS WHEREOF, I hereunder set my hand and official seal.

Notary Public

My Commission expires_____

The address of the above-named Grantee is:

On behalf of the Grantee

SCHEDULE "A"

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of ground extending from the northern side of Penn Street to the southern side of Court Street, being known as Lot No. 2 as shown on the Penn-Court Complex Plan of Lots, dated September 12, 1977, laid out for James M. McGovern and recorded in Berks County Records in Plan Book No. 72 page 1, situate in the 8th ward, in the City of Reading, County of Berks and State of Pennsylvania, being more fully bounded and described as follows, to wit:

BEGINNING at a point in the northern topographical building line of Penn Street, 80' wide street, being a corner between Lots numbered 1 and 2 of said Plan of Lots, said beginning point being 264.99 feet westwardly along said northern building line of Penn Street from the northwestern building corner of Eleventh and Penn Streets;

Thence extending along the northern topographical building line of Penn Street, South eighty-two degrees fifty-eight minutes forty seconds West, a distance of sixty-seven and sixty one-hundredths feet (67.60') to a point;

Thence leaving said building line of Penn Street and extending along Lot No. 3 of said Plan of Lots, known as #1015 Penn Street, the two following courses and distances, viz:

1. North six degrees fifty-three minutes twenty seconds West, a distance of one hundred twenty and no one-hundredths feet (120.00') to a point, and

2. South eighty-two degrees fifty-eight minutes forty seconds West, a distance of twenty and no one-hundredths feet (20.00') to a point in line of property belonging to now or late of Jose Rodriguez and Olga A., his wife;

Thence along said property belonging to now or late of Jose Rodriguez and Olga A., his wife, known as #1013 Penn Street, North six degrees fifty-three minutes twenty seconds West, a distance of one hundred fifty and thirty-six one hundredths feet (150.36') to a point in the Southern topographical building line of Court Street, a 20' wide street;

Thence along the southern topographical building line of Court Street, north eighty-two degrees fifty-eight minutes forty seconds East a distance of one hundred nine and ninety-six one hundredths feet (109.96') to a point;

Thence leaving said building line of Court Street and extending along property belonging to now or late of Carlson R. Cauff and Ruth M., his wife, known as #1030 Court Street, South six degrees fifty-five minutes fifty seconds East, a distance of one

hundred fifteen and thirty-six one hundredths feet (115.36') to a point in line of property belonging to now or late of Harry A. Kaniss;

Thence along said property belonging to now or late of Harry A. Kaniss, known as #1027 Penn Street, the two (2) following courses and, distances, viz:

1. South eighty-two degrees fifty-eight minutes forty seconds West a distance of two and fifty one-hundredths feet (2.50') to a point, and

2. South six degrees fifty-five minutes fifty seconds East, a distance of thirty-five and no one-hundredths feet (35.00') to a point, a corner of aforesaid Lot No. 1 of said Plan of Lots;

Thence along said Lot No. 1 known as #1025 Penn Street, the two following courses and distances, viz:

1. South eighty-two degrees fifty-eight minutes forty seconds West, a distance of nineteen and ninety-five one-hundredths feet (19.95') to a point, and

2. South six degrees fifty-two minutes fifty seconds East, a distance of one hundred twenty and no one-hundredths feet (120.00') to the place of beginning.

CONTAINING in area 24,565.75 square feet.

BEING THE SAME PREMISES which St. Joseph Regional Health Network, a Pennsylvania non-profit corporation, formerly known as Saint Joseph Hospital, St. Joseph Hospital, St. Joseph Medical Center and St. Joseph's Medical Center, a Pennsylvania corporation, by deed dated June 12, 2008 and recorded June 17, 2008 in the Recorder of Deeds Office in and for Berks County, PA in Record Book Volume 5374, Page 2269, granted to the City of Reading, Grantor herein.

BILL NO. _____-2009
A N O R D I N A N C E

AMENDING THE CITY OF READING CODIFIED ORDINANCES SECTION 10-1212.03.2 ADDING NECESSARY LANGUAGE TO ESTABLISH AN APPLICATION FEE FOR ALL FOOD VENDORS IN THE CITY OF READING

SECTION 1. Amending the City of Reading Codified Ordinances Section 10-1212.03.3 as follows:

§10-1212.03.2. Application.

Prior to commencement of operation of a facility governed by this Part, the business owner thereof must apply for a Health License with the Health Officer in the City of Reading Codes Enforcement Division. Such application will be a completed form prepared and provided by the Health Officer or his/her designee, submitted thereto and accompanied by the ~~applicable fee,~~ *\$10-1212.03. application fee and fees established by §10-1212.03.3., Fees, as listed below.*

(Ord. 30-2007, 5/14/2007, §1)

§10-1212.03.3. Fees.

There is hereby established a schedule of fees to be paid before a Health License is issued to any food selling establishment or mobile vendor operating in the City.

SMALL RESTAURANT	\$80 Per year
LARGE RESTAURANT	\$120 Per year
ITINERANT RESTAURANT	\$15 Per year
ANCILLARY RESTAURANT	\$15 Per year
SMALL GROCERY	\$100 Per year
LARGE GROCERY	\$125 Per year
SUPERMARKET	\$200 Per year
ONE ITEM WHOLESALE	\$100 Per year
MULTI-ITEM WHOLESALE	\$175 Per year
SMALL PROCESSING	\$80 Per year
LARGE PROCESSING	\$175 Per year

VENDING MACHINE (enclosed)	\$12 Per unit
VENDING MACHINE (public right of way)	\$20 Per unit
MOBILE VENDING UNIT	\$100 Per unit
CATERING/COMMISSARY	\$45 Per year
BAKERY	\$50 Per Year
DELICATESSEN	\$80 Per Year

(Ord. 30-2007, 5/14/2007, §1)

SECTION 3. All other parts of the Ordinance remain unchanged.

SECTION 4. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2009

President of Council

Attest:

City Clerk

(Council Office)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____
AN ORDINANCE

AN ORDINANCE AMENDING BILL 39-2008 SECTION 2 DEFINING THE COMPOSITION OF THE READING LOCAL REDEVELOPMENT AUTHORITY AND SETTING TERM EXPIRATION DATES.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending Bill 39-2008 Section 2 by redefining the composition of the Reading Local Redevelopment Authority as attached in Exhibit A.

SECTION 2. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective 10 days after its adoption in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

Attest:

President of Council

City Clerk

BILL NO. 39-2008

WHEREAS, the Naval Marine Reserve Center, on Kenhorst Boulevard, is located entirely within the City Limits of Reading Pennsylvania; and

WHEREAS, the successful reuse of the Naval Marine Reserve Center will require sound community planning to encourage optimal reuse of this closing military facility, including thorough examination of current market conditions, and future market opportunities, and assessments of local community impacts and opportunities; and

WHEREAS, the development of a base redevelopment plan will materially contribute to the orderly economic adjustment of the Reading community to the consequences of facility closure.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. The City of Reading hereby establishes the City of Reading Local Redevelopment Authority to advise the City of Reading City Council about the best reuse of the military facility located on Kenhorst Boulevard within the municipal boundaries of the City.

Section 2. The City of Reading Local Redevelopment Authority shall be composed of seven (7) voting members. The members shall each serve five (5) year terms. The terms of the initial members shall be staggered, with the representatives of Council serving three (3) year terms, the representatives from the Redevelopment Authority and Planning Commission service four(4) year terms and the two representatives of the Mayor serving five year (5) terms. The composition shall be defined as follows:

- Three members of Council, who shall begin by serving a three (3) year term from the date of appointment, beginning with President of Council Vaughn D. Spencer, or his designee, District 1 City Councilor Stephen P. Fuhs or his designee, District 4 City Councilor Stratton Maramarou, or his designee
- A representative of the Reading Redevelopment Authority who shall serve a four (4) year term, beginning with Phillip Coles, District 1 resident
- A representative of the Reading Planning Commission who shall begin be serving a four (4) year term, beginning with Ermete Raphaelli, District 1 resident.

- Two (2) representatives of the Mayor, who shall begin by serving a five (5) year term, beginning with Maria Ballas, District 6 resident and Jack Knockstead, District 4 resident and both also representing the Homeless Coalition.
- William Dennis, County Administrator, will serve in an ad hoc capacity.

~~President of Council Vaughn D. Spencer, or his designee; City Councilor District 1 Stephen P. Fuhs, or his designee; City Councilor District 4 Stratton Marmarou, or his designee; Phillip Coles, District 1 resident and representative of the Reading Redevelopment Authority, Ermete Raphaelli, resident of District 1 and representative of the Planning Commission and two members appointed by the Mayor and approved by Council resolution. William Dennis, County Administrator, will serve on the LRA in an Ex-Officio capacity.~~

Section 3. The City of Reading Local Redevelopment Authority shall serve as an advisory planning body. Its redevelopment plan will be considered for adoption as official land use or development policy by the City Council of Reading, Pennsylvania.

Section 4. The City of Reading Local Redevelopment Authority will adopt the redevelopment plan and send it to the City of Reading City Council for approval, after which it shall submit the redevelopment plan to the Department of the Army and to the Department of Housing and Urban Development for review, pursuant to federal BRAC law and regulations. The City of Reading Local Redevelopment Authority shall take all steps needed to complete this assignment within the period of time prescribed by statute and regulations.

BILL NO. _____-2009

AN ORDINANCE

AMENDING CHAPTER 11 HOUSING OF
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 11 entitled Housing is amended as follows:

SECTION 11-102 DEFINITIONS is hereby amended to added or amend
the following terms and definition:

LEASE - See Rent

LET - See Rent

PERMIT - registration of a property as a rental unit

RENT - compensation for providing a shelter or lodging for occupation or
habitation by humans to reside, monetary or non-monetary

RENTAL UNIT - a rooming unit or dwelling unit let for rent, a non-
owner occupied rooming or dwelling unit, or a dwelling unit occupied by
an owner and additional unrelated individuals. A rental unit shall not
include a hotel unit. A rental unit includes dwelling units under lease-
purchase agreements or long-term (greater than six (6) months)
agreements of sale.

SECTION 11-104 APPLICATION FOR PERMIT is hereby amended as
follows:

§11-104 APPLICATION FOR REGISTRATION OF A ~~PERMIT~~ RENTAL

Application for and registration of a rental ~~permit~~ property for a
dwelling unit or a rooming unit shall be made in writing on forms
prepared and provided by the City of Reading ~~Codes Enforcement~~
~~Division~~ Property Maintenance Division and shall be accompanied by
payment of the applicable ~~permit~~ registration fee. Such forms shall
require, but not shall not be limited to, the following information and shall
be signed and sworn to by the owner of such dwelling unit or rooming
unit:

11-104(8) requiring production of a copy of a Business Privilege License under which the owner rents the dwelling unit or rooming unit and reporting gross receipts therefrom is hereby deleted from the requirements for an application for a ~~Housing Permit~~ Rental Registration. Said removal shall not preclude the City of Reading Department of Finance Tax Division from investigating, requiring and prosecuting an owner, where necessary, to obtain a Business Privilege License pursuant to the City of Reading Codified Ordinances upon receipt of information from the Property Maintenance Division of the City of Reading of a rental of a property.

11-104(9) and (10) requiring proof of valid contract with a state licensed trash hauler or participation on the City of Reading trash collection program and recycling program are hereby deleted from the requirements of an application for a ~~Housing Permit~~ Rental Registration. Said removal shall not preclude the City of Reading Department of Public Works Solid Waste Division from investigating, requiring and prosecuting where necessary a property owner for failure to have a valid trash hauler and participation in the City of Reading recycling program pursuant to the City of Reading Codified Ordinances upon receipt of information from the Property Maintenance Division of the City of Reading of a rental of a property.

11-104(13) requiring production of a proof of insurance from an insurer licensed by the Commonwealth of Pennsylvania for the property is hereby deleted from the requirements for an application for a ~~Housing Permit~~ Rental Registration. Said removal shall not preclude the City of Reading Department of Community Development Building and Trades Division or Department of Fire and Rescue Fire Prevention Division from requesting insurance information for the property upon necessity therefor.

SECTION 11-105 RENEWAL OF RENTAL PERMIT is hereby amended as follows:

§11-105 RENEWAL OF RENTAL ~~PERMIT~~ RENTAL REGISTRATION

It shall be the responsibility of the owner of the dwelling unit or rooming unit to request and submit an application for renewal of a Rental ~~Permit~~ Registration. Rental Registrations for 2008 and 2009 will be jointly issued and processed by the City of Reading Property Maintenance Division. The owner of every dwelling unit or rooming unit must renew his/her/their Rental ~~Permit~~ Registration for each such dwelling unit or rooming unit for 2008 and 2009 by September 1, 2009. An application for renewal of a rental ~~permit~~ registration for 2008 and 2009 with the requisite fees may be submitted between July 1, 2009 and

August 31, 2009. All renewal applications for 2008 and 2009 received after the first of September, 2009 shall be subject to revocation of the rental permit and/or doubling of the fee set forth herein. In addition, failure to pay/renew a rental permit by December 1, 2009 will result in submission of the bill and account for a rental ~~permit~~ registration to collections for recovery. The owner of every dwelling unit or rooming unit must renew his/her/their/its Rental Registration for each such dwelling unit or rooming unit for 2010 by April 1, 2010. An application for renewal of a rental registration for 2010 with the requisite fees may be submitted between February 1, 2010 and March 31, 2010. All renewal applications for 2010 received after the first of April, 2010 shall be subject to revocation of the rental permit and/or doubling of the fee set forth herein. In addition, failure to pay/renew a rental permit by April 1, 2010 will result in submission of the bill and account for a rental ~~permit~~ registration to collections for recovery. Commencing for renewal of a Rental Registration for 2011 and each year thereafter, the owner of every dwelling unit or rooming unit must renew his/her/their/its Rental ~~Permit~~ Registration for each such dwelling unit or rooming unit for said year by the first business day after the first of January of said year. An application for renewal of a rental ~~permit~~ registration for 2011 and each subsequent year with the requisite fees may be submitted between November 1 and December 31 of the applicable year. All renewal applications for 2011 and subsequent years received after the first business day in January of the applicable year shall be subject to revocation of the rental permit and/or doubling of the fee set forth herein. In addition, failure to pay/renew a rental permit by March 1 of the applicable year will result in submission of the bill and account for a rental ~~permit~~ registration to collections for recovery. To renew a rental ~~permit~~ registration the owner must complete the an application for renewal on the form prepared and provided by the ~~Codes Enforcement Division~~ Property Maintenance Division and pay the applicable fee. Except as set forth in this Part, on a not less than 3 no more than 5 year basis, renewal of a rental ~~permit registration~~ is not subject to an inspection. An application for renewal of a rental ~~permit registration~~ may be denied resulting in nonrenewal of the ~~permit registration~~ as set forth herein. Failure of the owner to renew a permit will be considered a surrendering and revocation of the rental ~~permit registration~~ and will require vacation of all occupants/tenants of the dwelling unit or rooming. To obtain a rental ~~permit registration~~ after its surrender and revocation, the owner will have to submit a new initial application and undergo the requirements thereof. Any waiver of such requirements is at the discretion of the ~~Codes Enforcement Division~~ Property Maintenance Division Administrator or his/her designee.

SECTION 11-109 INSPECTON is hereby amended as follows:

A. INITIAL APPLICATION

Except as provided herein, all properties for which a Rental Registration is submitted from 2007 through 2014 shall not be required to undergo an inspection to be registered as a rental property. Properties which have historically, within the last five (5) years, been owner-occupied and not registered rental properties shall be required to undergo an inspection as part of the initial application to register as a rental property. This provision shall not include registered rental properties from continuing to undergo an inspection pursuant to the City of Reading Rental Inspection Program including but not limited to renewal inspections, routine inspections and complaint inspections nor a Health and Safety Inspection pursuant to the City of Reading Codified Ordinances upon transfer of a property.

If an initial application inspection is required pursuant to the provisions of this Part and the City of Reading Rental Property Inspection Program, then all other portions of §11-109(A) shall remain in full force and effect.

B. RENEWAL INSPECTIONS

An inspection of a dwelling unit or rooming unit shall be performed on a rotating basis commencing in 2009 not less than three (3) years nor more than five (5) years, per the City of Reading Rental Property Inspection Program.

If a renewal inspection is required pursuant to the provisions of this Part and the City of Reading Rental Property Inspection Program, then all other portions of §11-109(B) shall remain in full force and effect.

SECTION 11-119 OFFICIAL NOTICES is hereby amended as follows:

All official notices, *excluding notice of inspection*, including but not limited to Notices of Violations relating to a dwelling unit or rooming unit shall be served on the owner with a copy to local responsible agent. All official notices, *excluding notice of inspection which shall be in the manner set forth herein*, shall be by first class mail to address of record of the owner and local responsible agent and posting of the dwelling unit or rooming unit.

SECTION 11-123 VIOLATIONS AND PENALTIES is hereby amended as follows:

E. PLACARDING AND CONDEMNING

The City of Reading Property Maintenance Division is hereby authorized to placard and condemn thereby requiring the immediate vacation, or within the discretion of the Property Maintenance Inspector a reasonable amount of time vacation, of a property that is being rented for which a registration therefor has not been filed with the Property Maintenance Division as required by this Ordinance.

PART E. NONEXCLUSIVE REMEDIES IS RENUMBER TO PART F.

SECTION 2: All references to Housing Permit, Housing Rental Permit or Rental Permit shall be amended and changed to Rental Registration or Rental Housing Registration.

SECTION 3: All references to Codes Enforcement Division shall be amended and altered to be Property Maintenance Division.

SECTION 4: All references to Manager of Code or Codes Enforcement Division shall be amended and altered to read Administrator of the Property Maintenance Division.

SECTION 5: All relevant ordinances, regulations, remaining sections of Chapter 11 Housing – Rental Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 6: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 7: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2009

Council President

Attest:

City Clerk

(LAW)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

That Steven McCracken is appointed to the Reading Regional Airport
Authority with a term ending December 31, 2014.

Adopted by Council _____, 2009

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

The text of Chapter 6, Part 7, Section 703, Definitions, is hereby amended to include as follows:

Loitering – remaining idle in essentially one location or lingering or standing around without purpose either alone or in consort with others.

The text of Chapter 6, Part 7, Section 704, Unlawful Activity, is hereby amended to include as follows:

5. It shall be unlawful for any juvenile to loiter within 1,000 feet of any grade school building from 8:30 a.m. through 3:30 p.m. on any day in which the school is in session, subject to §6-705 A - I.